

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

REXFORD PROPERTIES LLC,

Plaintiff,

v.

AGCS MARINE INSURANCE COMPANY,  
et al.,

Defendants.

Case No. 1:23-cv-00276-SAB

**ORDER REQUIRING PLAINTIFF TO FILE  
STATUS REPORT ON SERVICE AND  
READINESS FOR SCHEDULING  
CONFERENCE**

**SEVEN DAY DEADLINE**

Plaintiff filed this action on January 17, 2023, in the Fresno County Superior Court. (ECF No. 1 at 2.) The complaint names Allianz Global Corporate and Specialty, and AGCS Marine Insurance Company, as Defendants. On February 22, 2023, Defendant AGCS Marine Insurance Company removed this action to the United States District Court for the Eastern District of California. (ECF No. 1.) A scheduling conference is currently set for May 9, 2023. (ECF No. 4.)

Defendant AGCS Marine Insurance Company filed an answer in state court and then removed this action. (ECF No. 1 at 2.) The Court notes that there is no indication that Defendant Allianz Global Corporate and Specialty was served, nor any indication they have filed an answer. The Court notes that in the notice of removal, Defendant AGCS Marine Insurance Company, in support of their contention that diversity jurisdiction is proper, describes that “it is indisputable from the subject insurance policy attached to Plaintiff’s Complaint that Allianz

Global Corporate & Specialty® is neither a business entity nor an insurance company [but] rather, a registered trademark (i.e., a service mark) . . . [and] [m]oreover, AGCS Marine Insurance Company is indisputably identified as the insurance company for the subject policy.” (ECF No. 1 at 4.)

Based on the Court’s review of the removal documents in anticipation of the scheduling conference, the Court shall order Plaintiff to address the status of service on Defendant Allianz Global Corporate and Specialty, in relation to the parties’ readiness for the May 9, 2023, scheduling conference, including whether service has been completed, whether entry of default is proper, or whether this party should be dismissed in advance of the scheduling conference.

Accordingly, IT IS HEREBY ORDERED that within **seven days** of entry of this order, Plaintiff shall file a status report addressing the above issues pertaining to Defendant Allianz Global Corporate and Specialty.<sup>1</sup> Plaintiff is advised that failure to comply with this order may result in the issuance of sanctions.

IT IS SO ORDERED.

Dated: **April 10, 2023**

  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Plaintiff may file a notice of dismissal in lieu of a status report.